

**REMARKS**

Reconsideration and the timely allowance of the pending claims, in view of the forgoing amendments and the following remarks, are respectfully requested.

Prior to this Amendment, claims 1-17 were pending. By the Amendment, claims 1-3 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 18-33 are newly added. Accordingly, after entry of this Amendment, claims 4-33 will remain pending, claims 4-17 will remain withdrawn from further consideration at this time, and claims 18-33 will be presented for examination. Claims 18 and 25 are independent claims.

**I. Election/Restrictions**

The Applicant has elected claims 1-3 without traverse. Claims 4-17 have been withdrawn. By this Amendment, claims 1-3 have been canceled and claims 18-33 have been newly added. The Applicant respectfully submits that claims 18-33 are consistent with the election of Group I for further prosecution.

**II. Information Disclosure Statement**

The Applicant acknowledges that the Examiner has considered the reference listed on the PTO-1449 submitted with the Information Disclosure Statement filed on March 3, 2004. The Applicant notes that the Examiner crossed out the reference on the copy of the PTO-1449 that the Examiner returned to the Applicant and also initialed next to the reference to indicate that the reference has been considered. The Applicant understands paragraph 17 of the Office Action to relay that the reference will be considered and will appear on the face of the patent issuing from this application.

**III. Claim Rejection – Double Patenting**

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 101 as claiming the same invention as that of claim 1 of copending Application No. 10/805,497. The Applicant respectfully submits the following two points in response. First, the Applicant has compared claim 1 from Serial No. 10/805,497 with claim 1 in this application and finds that they are not the same. Second, the Applicant respectfully submits that this rejection has been rendered moot because claim 1 is

canceled by this Amendment. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

#### **IV. Claim Rejection – 35 U.S.C. § 102(b)**

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as anticipated by Uchida (USP 6,057,051; hereinafter “Uchida”). The Applicant respectfully submits that this rejection has been rendered moot because claims 1-3 have been canceled. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

#### **V. Claim Rejection – 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as unpatentable over Kelley (US 2003/0010115; hereinafter “Kelley”) in view of Uchida. The Applicant respectfully submits that this rejection also has been rendered moot because claims 1-3 have been canceled. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

#### **VI. Claims 18-33**

By this Amendment, the Applicant has added claims 18-33. Claims 18 and 25 are independent claims. The Applicant respectfully submits that claims 18-33 are patentably distinguishable over the references cited by the Examiner.

Claims 18-24, 28-29, and 32 are patentable because they combine a number of features, including among them, a fuel cell with a sensing unit configured to sense a remaining amount of fuel in the tank, and a body with a controller which acquires information indicating the remaining amount of fuel sensed by the sensing unit and with a display unit configured to display the remaining amount of fuel according to the acquired information. Since the references cited by the Examiner fail to describe or suggest apparatuses combining at least these features, the Applicant respectfully submits that the claims, as presented, are patentable thereover.

Similarly, claims 25-27, 30-31, and 33 are patentable because they combine a number of features, including among them, a fuel cell with a sensing unit configured to sense whether or not the tank is installed in the installation portion and a body with a controller which acquires information indicating a result sensed by the sensing unit

and with a display unit configured to display information to prompt an installation of the tank or information that the tank is not installed, when the acquired information indicates the tank is not installed. Since the references cited by the Examiner fail to describe or suggest apparatuses combining at least these features, the Applicant respectfully submits that the claims, as presented, are patentable thereover.

Uchida discloses a pressure sensor for detecting the amount of hydrogen remaining in a hydrogen storage unit 5 (e.g. column 7, lines 39-58). According to Uchida, a control unit 9 controls an electricity-generating operation of the fuel cell body 4 (column 6, lines 4-6, Fig. 2). The control unit 9 is mounted within a fuel cell device casing 3 (column 5, line 63 - column 6, line 6; Fig. 2). The cell device 2 includes a cell device casing 3 with a shell (column 5, lines 61-63). The fuel cell device 2 is detachably received in a device-receiving portion 1a of an equipment 1 (column 5, lines 54-55, Fig. 1). There is no discussion, however, among other features, of the combination of fuel cell with a sensing unit configured to sense a remaining amount of fuel in the tank and a body with a controller which acquires information indicating the remaining amount of fuel sensed by the sensing unit and with a display unit configured to display the remaining amount of fuel according to the acquired information. Moreover, there is no discussion of a fuel cell with a sensing unit configured to sense whether or not the tank is installed in the installation portion and a body with a controller which acquires information indicating a result sensed by the sensing unit and with a display unit configured to display information to prompt an installation of the tank or information that the tank is not installed, when the acquired information indicates the tank is not installed. Accordingly, Uchida fails to disclose or suggest the combination of features recited by the present claims.

Kelley does not support the rejection of these claims because it is also silent as to the combination of features recited. Specifically, Kelley discloses a reservoir 14 comprising a sight glass 16 formed of a transparent material (e.g. Fig. 1, [0007]). The sight glass 16 is provided with a scale or indicia 19 for indicating the remaining amount of fuel ([0007]). Kelley discloses other examples of the indicia 19 and an alternate embodiment wherein the level of liquid fuel in the fuel cell is communicated to the user of the display (LCD) or a series of light emitting diodes (LED) that are appropriately connected to a sensor on or in the reservoir ([0004][0008][0009]). Kelley discloses that the display 20 can be conveniently located on either the electronic device or on the fuel cell or on the fuel cell reservoir ([0004]).

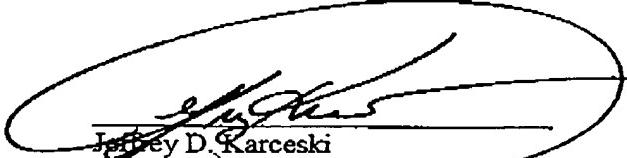
Kelley does not discuss or suggest, among other features, the combination of a fuel cell with a sensing unit configured to sense a remaining amount of fuel in the tank and a body with a controller which acquires information indicating the remaining amount of fuel sensed by the sensing unit and with a display unit configured to display the remaining amount of fuel according to the acquired information. Moreover, there is no discussion of a fuel cell with a sensing unit configured to sense whether or not the tank is installed in the installation portion and a body with a controller which acquires information indicating a result sensed by the sensing unit and with a display unit configured to display information to prompt an installation of the tank or information that the tank is not installed, when the acquired information indicates the tank is not installed. Accordingly, Kelley does not cure the deficiencies noted with respect to Uchida and, therefore, cannot be combined with Uchida to render claims 18-33 unpatentable.

#### VII. Conclusion

In view of the forgoing, the Applicant respectfully submits that the claims are patentable over the references applied against them. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejections and pass this application quickly to issue.

If there are any fees due in connection with the filing of this paper that are not otherwise accounted for, please charge our Deposit Account No. 03-3975 and refer to Order No. 008312/0308597.

Respectfully submitted,  
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